



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769  
www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

February 13, 2008

RE: NOTICE OF VIOLATION FOR FAILURE TO  
SUBMIT PERMIT APPLICATIONS AND USE  
OF NONCOMPLIANT COATINGS

025011107

CERTIFIED MAIL

Mr. Jason McClellan  
Kundel Industries, Inc.  
P.O. Box 4686  
3710 Hendricks Rd.  
Austintown, OH 44515

Dear Mr. McClellan:

This letter serves to notify you that Kundel Industries, Inc. (Kundel) is operating an air emissions source without a permit in violation of Ohio Administrative Code (OAC) Rule 3745-31-02 (permits-to-install) and OAC Rule 3745-35-02 (permits-to-operate) and Ohio Revised Code (ORC) 3704.05(G). In addition, Kundel's surface coating operation appears to be operating out of compliance with OAC Rule 3745-21-09(U) (surface coating of miscellaneous metal parts and products).

**Violations**

According to our phone conversations, Kundel installed a spray coating booth in approximately September of 2006, prior to applying for a permit-to-install (PTI) and permit-to-operate (PTO), in violation of OAC Rules 3745-31-02 and 3745-35-02, respectively. On January 23, 2008, I visited Kundel and noticed the large spray coating booth near the entrance of the building. Since you were not available during my visit, I requested information on the usage of the booth in an e-mail and sent you a copy of the EAC Form for Surface Coating Operations. I received a completed copy of the EAC Form on February 6, 2008.

The information contained in the EAC Form indicates that Kundel is operating out of compliance with OAC Rule 3745-21-09(U). This rule requires that the release of volatile organic compounds (VOCs) into the air from a miscellaneous metal parts and products coating line shall be limited to the following (from OAC Rule 3745-21-09(U)(1)):

"...(c) 3.5 pounds of VOC per gallon of coating, excluding water and exempt solvents, or, if a control system is employed, 6.7 pounds of VOC per gallon of solids for an extreme performance coating"...

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*"...(d) 3.5 pounds of VOC per gallon of coating, excluding water and exempt solvents, or, if a control system is employed, 6.7 pounds of VOC per gallon of solids for any coating that is dried at temperatures not exceeding two hundred degrees Fahrenheit"...*

However, the requirements of the above-cited rule do not apply if the coating line restricts its usage. In Mahoning County, the daily usage limitation per OAC Rule 3745-21-09(U)(2)(e) is ten gallons per day. Per the information that was submitted in the EAC Form, Kundel is currently exceeding each of these requirements by using at least one coating that releases 5.18 pounds of VOC per gallon of coating (after thinning), and by applying coating at a rate greater than 10 gallons per day.

### **Compliance Options**

In order to work towards compliance, please submit a PTI and PTO application for the spray coating booth, to my attention at the letterhead address, **within thirty (30) days of receipt of this letter**. Blank PTI and PTO application forms are enclosed for your convenience. Please feel free to make copies as needed. Another EAC form for the spray coating booth will only be required if more accurate information is available.

In addition, please submit a plan to come into compliance with OAC Rule 3745-21-09(U) within **thirty (30) days of receipt of this letter**. The plan should include a choice between one of the following options:

- limiting the VOC content of the coatings to 3.5 pounds of VOC per gallon of coating, using either compliant coatings or a daily volume-weighted average;
- installing a control device and limiting the VOC content of the coatings to 6.7 pounds of VOC per gallon of solids, using either compliant coatings or a daily volume-weighted average; or
- limiting the coating usage in the booth to less than 10 gallons per day.

Due to the small size of your facility, you probably qualify for the free and confidential compliance assistance that is provided by Ohio EPA's Office of Compliance Assistance and Pollution Prevention (OCAPP). You may contact them using their toll-free hotline: 800-329-7518. They provide assistance in the interpretation of all environmental regulations, not just air pollution, and also in the completion of all necessary applications.

The submission of the requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06 or for USEPA to seek civil penalties pursuant to federal law. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this matter at a later date. Failure to respond to this request in the requested time frame can result in a referral to the Central Office of Ohio EPA for the appropriate enforcement action.

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Should you have any questions regarding this matter, please feel to call me at (330) 963-1261.

Sincerely,



Jana L. Gannon  
Environmental Specialist  
Division of Air Pollution Control

JLG:bo

enclosures

ec: Dennis Bush, DAPC-NEDO  
Ed Fasko, DAPC-NEDO

cc: Bob Princic, DAPC-NEDO  
Tom Kalman, DAPC-CO  
Lisa Holscher, USEPA Region V